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FACSIMILE COVER SHEET

DATE: May 6, 2002

TO: Examiner Leonard Smith
PCT Legal Office

Fax No.: (703) 308-6459

FROM: Charles L. Gagnebin III

No. of pages transmitted
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Our File: ADE-066Xq999/ADE-066XX

Time: 3:20 pm

Your Ref: Appl. No. PCT/US00/34806
Filed: 12/22/00 and
09/914,456 filed 8/28/01

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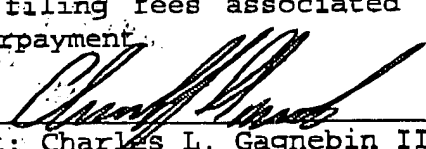
MESSAGE

PLEASE DELIVER DIRECTLY TO:
EXAMINER LEONARD SMITH, Tel. (703) 305-7556
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Enclosed for filing please find a:

RENEWED PETITION UNDER 37 CFR 1.47(a) (3 pages)
AFFIDAVIT OF ALEX BELYAEV (1 page)
DECLARATION OF LIN B. OLSEN...UNDER 37 CFR 1.47(a) (2 pages)
4/29/02 COVER LETTER TO ALEX BELYAEV w/FEDEX RECEIPT (2 pages)

The Commissioner is hereby authorized to Charge Deposit
Account No. 23-0804 for any additional filing fees associated
with this communication or credit any overpayment.


Attorney for Applicant: Charles L. Gagnebin III
Registration No. 25,467

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Jaydeep Sinha et al.
International
Application No. : PCT/US00/34806
International
Filing Date : December 22, 2000
U.S. Application No.: 09/914,456
U.S. Filing Date : August 28, 2001
For : SPECIMEN TOPOGRAPHY RECONSTRUCTION
PCT Legal Examiner : Leonard Smith
Attorney's Docket : ADE-066XQ999 and ADE-066XX

Group Art Unit: Unassigned

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facsimile to Examiner Leonard Smith, U.S. Patent & Trademark
Office, PCT Legal Office, Washington, D.C., Fax No. (703) 308-6459
on 5-6-02.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicants

RENEWED PETITION UNDER 37 CFR 1.47(a)

Via Facsimile (703-308-6459)
Examiner Leonard Smith
PCT Legal Office
U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In response to the Decision on Petition under 37 CFR 1.47(a)
mailed March 5, 2002, in which the original Petition on the above-
identified applications was dismissed, applicant hereby renews the
petition to have the applications referenced above accepted when

International Application No. PCT/US00/34806
International Filing Date: December 22, 2000
U.S. Application No. 09/914,456
U.S. Filing Date: August 28, 2001
Group Art Unit: Unassigned

one inventor refuses to sign the application. The four requirements for this petition, and their status are:

1. The fee under 37 CFR 1.17(h) accompanied the prior petition herein renewed.

2. An affidavit of Alexander Belyaev, the missing inventor, stating that he has received a copy of the application and refuses to sign the declaration in enclosed as Exhibit A. The circumstances of this refusal are detailed in the second declaration of Lin Olsen enclosed as Exhibit B.

3. The last known address of Mr. Belyaev is:

707 Continental Circle
Apartment 531
Mountain View, CA 94040

4. A declaration of the other inventor, Jaydeep Sinha, was submitted with the previous petition and application.

Any questions or comments with regard to this renewed petition should be directed to the Applicant's representative at the telephone number listed below.

International Application No. PCT/US00/34806
International Filing Date: December 22, 2000
U.S. Application No. 09/914,456
U.S. Filing Date: August 28, 2001
Group Art Unit: Unassigned

In the event any additional fee is required, please charge
such amount to Patent and Trademark Office Deposit Account No. 23-
0804. A triplicate of this transmittal letter is enclosed.

Respectfully submitted,

JAYDEEP SINHA ET AL.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicants

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, MA 02109
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LBO/jde/272164
Enclosures

May 03 02 03:16p

Reece & Associates, P.C.

(617) 747-7551

P.2

EXHIBIT A

Affidavit of Alex Belyaev

I, Alex Belyaev, hereby depose and state as follows:

1. I was formerly employed by ADE Corporation. I am now employed by KLA-Tencor Corporation.
2. I have received a copy of the Patent Application No. 09/914,456, titled "Specimen Topography Reconstruction" by registered mail from Attorney Lin B. Olsen.
3. I understand that I am listed as an inventor of the material covered in Application No. 09/914,456.
4. I have been asked to sign the Declaration and Power of Attorney for Application No. 09/914,456.
5. Because there is a pending lawsuit between ADE Corporation, KLA-Tencor Corporation, and me, I am declining to sign the Declaration and Power of Attorney at this time.

Signed under the penalties of perjury on this 3
day of May 2002.

Alex Belyaev

Alex Belyaev
707 Continental Circle, Apt 5231
Mountain View, CA 94040

/269866

BY: MA RECEIVED
MAY 6 2002

WEINGARTEN, SCHURGIN,
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C. V. d.

EXHIBIT B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Jaydeep Sinha et al.
International
Application No. : PCT/US00/34806
International
Filing Date : December 22, 2000
U.S. Application No.: 09/914,456
U.S. Filing Date : August 28, 2001
For : SPECIMEN TOPOGRAPHY RECONSTRUCTION
PCT Legal Examiner : Leonard Smith
Attorney's Docket : ADE-066XQ999 and ADE-066XX

Group Art Unit: Unassigned

I hereby certify that this correspondence is being sent via
facsimile to Examiner Leonard Smith, U.S. Patent & Trademark
Office, PCT Legal Office, Washington, D.C., Fax No. (703) 308-
6459 on 5-6-2

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicants

DECLARATION OF LIN B. OLSEN, ESQ.
IN SUPPORT OF FILING WITHOUT THE SIGNATURE
OF AN INVENTOR UNDER 37 C.F.R. §1.47(a).

I, Lin B. Olsen, declare as follows:

1. I am the associate attorney of record for the above-identified patent application. I make this declaration providing facts in support of filing without the signature of inventor Alexander Belyaev.

2. The above-identified application lists as co-inventors Jaydeep Sinha and Alexander Belyaev.

3. The above identified application was filed on 22 December, 2000 with the PCT receiving office at the United States Patent and Trademark office, and a PCT Request properly executed

International Application No. PCT/US00/34806
International Filing Date: December 22, 2000
U.S. Application No. 09/914,456
U.S. Filing Date: August 28, 2001
Group Art Unit: Unassigned

by all the listed inventors, except Alexander Belyaev, was being submitted to the PCT Receiving Office.


4. I have attempted to secure the signature of the inventor, Alexander Belyaev.

5. On April 29, 2002, I sent a copy of the above-identified patent application, transmittal paperwork and affidavit statements in case of refusal to Alexander Belyaev at 707 Continental Circle, Apartment 531, Mountain View California 94040 with a cover letter. A copy of this letter is attached as Exhibit C.

6. On April 30, 2002, Federal Express informed us that the package had been delivered.

7. On May 6, 2002, I received a signed affidavit from Alexander Belyaev refusing to execute the transmittal paperwork. A copy of this affidavit is attached as Exhibit A.

Signed this 6 day of May, 2001


Lin B. Olsen

Enclosures:

Exhibit A: Signed Affidavit of Alexander Belyaev received May 6, 2002
Exhibit C: April 29, 2002 Cover Letter sent to Alexander Belyaev
w/application

271744

EXHIBIT C

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
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MARK A. SUPERKO
CHI SUK KIM
OF COUNSEL
ARTHUR S. MORGENSTERN
JOSEPH WEINGARTEN
(1919-1984)

BY FEDEX

April 29, 2002

Mr. Alexander Belyaev
707 Continental Circle
Apartment 531
Mountain View, CA 94040

Re: U.S. Patent Application of Jaydeep Sinha and Alexander Belyaev
Entitled: Specimen Topography Reconstruction
Our File: ADE-066xx/ADE-066XQ999
Application Serial No. 09/914,456

Dear Mr. Belyaev:

At the direction of your attorney, Larry Reece, enclosed for execution is the patent application on the above-identified matter. Please review the enclosed application and sign and date the Declaration form enclosed.

Should any changes or corrections in the Declaration be necessary, please let us know so that substitute pages can be prepared prior to its execution.

Also enclosed is an affidavit should you choose not to sign the Declaration. Signing the affidavit affirms that you have seen a copy of the application and do not elect to sign the Declaration at this time.

Kindly return the signed documents in the attached envelope for filing in the Patent and Trademark Office.

Sincerely,


Lin B. Olsen

LBO/jde/269875

Enclosures: Application No 09/914,456 including:

- 11 pages of specification,
- 6 pages of claims,
- 1 page of Abstract and
- 3 pages of drawings.
- Declaration and Power of Attorney - 4 pages
- affidavit of Alex Belvaev - 1 page

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